

### REMARKS

Claims 1-21 are pending in this application. Claims 1, 8, 14, 16, 18 and 20, the independent claims, have been amended to define still more clearly what Applicant regards as his invention.

Claims 1, 8, 14, 16, 18 and 20 were rejected were rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. The Office Action states that the limitation “to select colorimetric data from a plurality of sets of colorimetric data in accordance with relation between the input viewing condition and a viewing condition of each light source” (emphases in original) is not supported by the specification. These claims have also been rejected under Section 112, second paragraph, as being vague and indefinite because neither viewing condition is defined, and therefore it is allegedly unclear whether they are the same conditions or different conditions. In addition, the Office Action states that it is not understood how a light source “has” a viewing condition because the light source “is” a viewing condition in the specification. Applicant notes the Examiner’s comments at paragraph 2 of the Office Action as well.

Claim 1 has been amended to recite “selecting colorimetric data from the plurality of sets of colorimetric data in accordance with a relation between the input viewing condition and each light source.” Thus, Claim 1 no longer recites “a viewing condition of each light source.” Accordingly, Applicant requests that the rejection of Claim 1 under Section 112, second paragraph, be withdrawn.

The following comments are made in order to explain where in the specification there is support for the elements of Claim 1.

Claim 1 is directed to an image processing method. In the method, a plurality of sets of colorimetric data are obtained which correspond to respective light sources, and a viewing condition is input. Colorimetric data is selected from the plurality of sets of colorimetric data in accordance with a relation between the input viewing condition and each light source. Colorimetric data corresponding to the input viewing condition is conjectured based on the selected colorimetric data.

Referring to the fifth embodiment of the invention explained in the application at pages 49-59<sup>1/</sup>, the obtaining step corresponds to step S213 of Fig. 22. It is noted that the plurality of sets of colorimetric data, which are obtained in the obtaining step, correspond to XYZ values corresponding to color targets, shown in Fig. 20, under respective illuminants corresponding to A, D65, D50, F2 and the like. The inputting step corresponds to step S211 of Fig. 22, the selecting step corresponds to steps S215-S2110 of Fig. 22, and the conjecturing step corresponds to step S2111 of Fig. 22.

That is, in steps S215-S2110,  $d_{min}$  is sought by calculating a distance between a white point XYZ under the viewing condition obtained at step S211 and a white point  $X_wY_wZ_w$  of the colorimetric data read at step S213. In other words, colorimetric data is selected based on  $d_{min}$ .

It is also noted that the colorimetric data can be selected by using a difference between color temperatures of the white points of each illuminant and the viewing condition, as described from page 52, line 20, to page 53, line 1; though Fig. 22

---

<sup>1/</sup>It is of course to be understood that the references to various portions of the present application are by way of illustration and example only, and that the claims are not limited by the details shown in the portions referred to.

shows that the colorimetric data is selected by using the distance  $d$  between the white points. In this way, various information can be used as the viewing condition to select colorimetric data.

Accordingly, Applicant requests that the rejection of Claim 1 under Section 112, first paragraph, be withdrawn.

Each of Claims 8, 14, 16, 18, and 20 have been amended in a similar manner as claim 1, and therefore Applicant requests that their rejections under Section 112 be withdrawn as well.

Claims 1-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent 6,453,066 (Shiraiwa et al.).

The present invention provides colorimetric data corresponding to a viewing condition. However, since there can be various conditions as the viewing condition, colorimetric data corresponding to all of the various conditions cannot be stored. Accordingly, the present invention conjectures the colorimetric data corresponding to the viewing condition by using stored colorimetric data, and the colorimetric data to be used in the conjecture is selected from the stored colorimetric data by seeking the colorimetric data measured under a condition most similar to the viewing condition. Therefore, accurate conjecture of colorimetric data is possible with the present invention.

In Shiraiwa et al., a color signal  $X1Y1Z1$ , is corrected by using a color-signal conversion matrix  $XYZ12XYZ2$  shown at column 8, equation 6, which is calculated by a color-signal processing calculating section 314 by using white data of an ambient light measured by a sensor 310, as shown in Fig. 3. In other words, the matrix  $XYZ12XYZ2$  may

correspond to the white point of the ambient light, but does not teach or suggest "a plurality of sets of colorimetric data which correspond to respective light sources," as recited in Claim 1. Further, the white data of the ambient light is only one of various viewing conditions.

The Office Action cites column 5, lines 20-25, of Shiraiwa et al. However, column 5, lines 25-40, and column 10, lines 10-54, of Shiraiwa et al. merely discuss the matrix  $XYZ12XYZ2$ . Applicants submit that Shiraiwa et al. does not teach or suggest "obtaining a plurality of sets of colorimetric data which correspond to respective light sources," as recited in Claim 1, and therefore Shiraiwa et al. does not teach or suggest selecting colorimetric data, which was measured under a condition similar to an inputted viewing condition, from the plurality of sets of colorimetric data which correspond to respective light sources.

Accordingly, Claim 1 is believed to be patentable over Shiraiwa et al.

Each of the other independent claims contains recitations to which the preceding remarks made in connection with Claim 1 apply, and therefore each of the other independent claims are believed to be patentable for at least those same reasons.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of

the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
Attorney for Applicant

Registration No. 29,286

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 363157v1